

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

PHELIX HENRY FRAZIER,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Case No. 4:03CV01060 ERW

**MEMORANDUM AND ORDER**


This matter comes before the Court on Petitioner's request for "Leave to File a Rule 60(b)(6) Motion to Challenge a Judgment or Order Instantly." In an order dated January 27, 2009, the Court found that Petitioner had filed three successive § 2255 motions. The Court determined that Petitioner's pattern of filing frivolous and improper motions in this case was an abuse of this Court's resources, and stated that the Court will no longer allow Petitioner to file any motions in this case without first obtaining leave of Court. The Court stated that any motion for relief in this case must be accompanied by a request for leave of Court to file such motion and an affidavit that sets forth the legal and factual basis for such motion.

The Court has reviewed Petitioner's request, affidavit, and proposed Rule 60(b) motion, and it is clear that Petitioner does not present any new arguments or facts warranting the filing of a Fed. R. Civ. P. 60(b)(6) motion.

Accordingly,

**IT IS HEREBY ORDERED** that the Clerk of Court shall not docket Petitioner's pleadings, and shall return these documents to him.

Dated this 13th Day of February, 2009.

  
E. RICHARD WEBBER  
UNITED STATES DISTRICT JUDGE